

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA,

Plaintiff

V.

THE BOEING COMPANY,

Defendant.

Case No. 4:21-cr-005-O-1

NOTICE OF NAOIE STANISLAW CONNOLLY RYAN, AS REPRESENTATIVE OF MICHAEL RYAN; EMILY CHELANGAT BABU AND JOSHUA MWAZO BABU, AS REPRESENTATIVES OF JARED BABU MWAZO; CATHERINE BERTHET, AS REPRESENTATIVE OF CAMILLE GEOFFROY; HUGUETTE DEBETS, AS REPRESENTATIVE OF JACKSON MUSONI; LUCA DIECI, AS REPRESENTATIVE OF PAOLO DIECI; BAYIHE DEMISSIE, AS REPRESENTATIVE OF ELSABET MINWUYELET WUBETE; SRI HARTATI, AS REPRESENTATIVE OF ERYANTO; ZIPPORAH KURIA, AS REPRESENTATIVE OF JOSEPH KURIA WAITHAKA; JAVIER DE LUIS, AS REPRESENTATIVE OF GRAZIELLA DE LUIS Y PONCE; CHRIS MOORE, AS REPRESENTATIVE OF DANIELLE MOORE; PAUL NJOROGI, AS REPRESENTATIVE OF CAROLYNE NDUTA KARANJA, RYAN NJUGUNA NJOROGI, KELLI W. PAULS, AND RUBI W. PAULS; YUKE MEISKE PELEALU, AS REPRESENTATIVE OF RUDOLF PETRUS SAYERS; JOHN KARANJA QUINDOS, AS REPRESENTATIVE OF ANNE WANGUI KARANJA; NADIA MILLERON AND MICHAEL STUMO, AS REPRESENTATIVES OF SAMYA STUMO; GUY DAUD ISKANDER ZEN S., AS REPRESENTATIVE OF FIONA ZEN; AND OTHER SIMILARLY SITUATED REPRESENTATIVES OF THE VICTIMS OF THE CRASHES OF LION AIR FLIGHT JT610 AND ETHIOPIAN AIRLINES FLIGHT ET302 REGARDING EXPERT WITNESS AVAILABILITY.

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Attorneys for Victims' Families

NOTICE OF NAOISE CONNOLLY RYAN ET AL., REPRESENTATIVES OF THE VICTIMS OF THE CRASHES OF LION AIR FLIGHT JT610 AND ETHIOPIAN AIRLINES FLIGHT ET302, REGARDING EXPERT WITNESS AVAILABILITY

Naoise Connolly Ryan et al. (the “victims’ families” or “families”),¹ through undersigned counsel, file this notice with the Court regarding the availability of their expert witnesses, in response to the Court’s Order of August 2. ECF No. 99. Expert witness Christopher Keyes is available to testify at 9:00 a.m. on August 5 and will plan to testify at 9:00 a.m. Expert witness Dr. Rune Storesund can board a very early morning flight from San Francisco to testify but cannot arrive in Fort Worth on August 5 until approximately 1:30 p.m. With difficulty, Vickie Norton can rearrange her schedule to testify on August 26. To avoid travel difficulties for Dr. Storesund, the families and Dr. Storesund request that, if the Court allows Ms. Norton to testify on August 26 that he also be allowed to testify on that day.

The Court is aware of the victims’ families’ earlier unopposed motion requesting an opportunity to meet and confer with opposing counsel to set a hearing date in September for the families three experts to testify. ECF No. 98. In its August 2 order, the Court directed that two of the families’ experts—Chris Keyes and Dr. Rune Storesund—appear in Fort Worth to testify at 9:00 a.m. on Friday, August 5 and that dates be provided for the third of the families’ experts—pilot Vicky Norton—to testify in August. ECF No. 99.

Immediately following the Court’s order, undersigned counsel contacted the families’ three experts. Christopher Keyes is available to testify Friday, August 5, at 9:00 a.m. and will testify then as directed in the Court’s order.

¹ In addition to Ms. Ryan, the other victims’ family members filing this motion are Emily Chelangat Babu and Joshua Mwazo Babu, Catherine Berthet, Huguette Debets, Luca Dieci, Bayihe Demissie, Sri Hartati, Zipporah Kuria, Javier de Luis, Nadia Milleron and Michael Stumo, Chris Moore, Paul Njoroge, Yuke Meiske Pelealu, John Karanja Quindos, Guy Daud Iskandar Zen S., and others similarly situated. They are supported by more than one hundred other families.

Vickie Norton has re-examined her calendar and, with difficulty, could rearrange things to testify on Friday, August 26, at 9:00 a.m. The families respectfully ask that her testimony be set for that day.

If the Court sets Ms. Norton's testimony for August 26, the families respectfully ask that Dr. Storesund's testimony also be set for that day rather than August 5. Dr. Storesund is the Executive Director for the Center for Catastrophic Risk Management at the University of California at Berkeley. He and his wife have child rearing responsibilities for their family. Dr. Storesund's wife does not return from a work-related trip until late Thursday evening. As a result, it is not possible for Dr. Storesund to begin travel to Fort Worth until early Friday morning, August 5. It appears that, if Dr. Storesund woke up at approximately 3:00 a.m. Friday, he could get to San Francisco International Airport in time for a 6:00 a.m. flight, which would arrive in Dallas around noon and then allow him to testify in Fort Worth at around 1:30 p.m. Dr. Storesund would then need to return to San Francisco promptly, where he currently has a flight to Europe scheduled to depart on Saturday, August 6.

Rather than have Dr. Storesund proceed as described above, the victims' families and Dr. Storesund respectfully request that he be permitted to testify on August 26 (along with Vickie Norton, if the Court agrees to set her testimony then). This approach would facilitate child care arrangements and travel planning and produce a less difficult travel schedule.

In addition, if the Court were to set August 26 as the date for two of the three experts to testify, that would facilitate the ability of victims' families to attend the evidentiary hearing. As the Court is aware, this motion is brought by fifteen victims' families, but more than one hundred families have been identified in earlier filings as supporters of the motion. *See* ECF No. 52-1 (listing families). The majority of both fifteen filing families and additional supporters reside

overseas. Given the short time they have had notice of the August 5 hearing, it has not been possible (so far as counsel can determine) for more than one or two families to make travel plans to attend the hearing.² It may be possible for some of the overseas victims' families to attend an August 26 hearing.

For all these reasons, the Court should permit Ms. Vickie Norton and Dr. Rune Storesund to testify at the second part of the evidentiary hearing on August 26.

Dated: August 3, 2022

Respectfully submitted,



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² Counsel has been advised that Zek Asfaw will be traveling from Kansas to attend the hearing on Friday. Zek lost his brother, Mulegeta Asfaw, in one of the crashes.

CERTIFICATE OF SERVICE

I certify that on August 3, 2022, the foregoing document was served on the parties to the proceedings via the Court's CM/ECF filing system.

/s/ Paul G. Cassell
Paul G. Cassell